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    ORACLE AMERICA, INC.
19
                    UNITED STATES DISTRICT COURT
20   NORTHERN DISTRICT OF CALIFORNIA
                      SAN FRANCISCO DIVISION
21 ORACLE AMERICA, INC.   Case No. CV 10-03561 WHA

22   Plaintiff,   **DECLARATION OF DANIEL P. MUINO
                                            IN SUPPORT OF ORACLE AMERICA,
23   v.   INC.'S MOTIONS *IN LIMINE* NOS. 1
                                            THROUGH 5**
24 GOOGLE INC.
                                            Dept.: Courtroom 8, 19th Floor
25   Defendant.   Judge: Honorable William H. Alsup

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    MUINO DECL. ISO MOTION *IN LIMINE* NOS. 1 THROUGH 5
    CASE NO. CV 10-03561 WHA
    pa-1488011

1   I, Daniel P. Muino, declare as follows:

2   I am an attorney at Morrison & Foerster LLP and am counsel of record to Plaintiff Oracle

3   America, Inc. ("Oracle"). I have personal knowledge of the matters set forth herein and, if called

4   to testify, could and would testify competently to the following.

5   1.   Attached hereto as **Exhibit A** is a true and correct copy of a Memorandum

6   Opinion and Order in *Realtime Data, LLC v. Packeteer, Inc.*, Civil No. 6:08-cv-144-LED-JDL,

7   ECF No. 805, dated December 30, 2009.

8   2.   Attached hereto as **Exhibit B** is a true and correct copy of a Memorandum

9   Opinion and Order in *Intel Corporation v. Commonwealth Scientific and Industrial Research*

10 *Organisation*, Civil No. 6:06-cv-551, ECF No. 518, dated April 9, 2009.

11   3.   Attached hereto as **Exhibit C** is a true and correct copy of AutoDesk's Motion in

12 Limine No. 2 to Exclude Evidence or Argument Regarding AutoDesk's Applications to Register

13 DWG and DWG-Based Marks, ECF No. 209, dated December 23, 2009.

14   4.   Attached hereto as **Exhibit D** is a true and correct copy of excerpts from the

15 Transcript of Proceedings in *Autodesk, Inc. v. Dassault Systemes Solidworks Corporation*, Case

16 No. C 08-04397-WHA, ECF No. 240, dated December 30, 2009.

17   5.   On September 9, 2011, Google Inc. served Oracle America, Inc. its Fifth

18 Supplemental Privilege Log. The privilege log is over 1200 pages and contains many entries

19 identifying privileged legal opinions that have been withheld from Oracle.

20   6.   Attached hereto as **Exhibit E** is a true and correct copy of excerpts from the

21 deposition transcript of Andrew Rubin taken on July 27, 2011 in this matter.

22   7.   Attached hereto as **Exhibit F** is a true and correct copy of excerpts from the

23 deposition transcript of Daniel Bornstein taken on May 16, 2011 in this matter.

24   8.   Attached hereto as **Exhibit G** is a true and correct copy of excerpts from the

25 deposition transcript of Bob Lee taken on August 3, 2011 in this matter.

26   9.   Attached hereto as **Exhibit H** is a true and correct copy of Defendant Google

27 Inc.'s Responses to Plaintiff's Interrogatories, Set One, dated January 6, 2011.

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1   10.   Attached hereto as **Exhibit I** is a true and correct copy of excerpts from Defendant

2 Google Inc.'s Responses to Plaintiff's Interrogatories, Set Four, dated July 29, 2011.

3   11.   Attached hereto as **Exhibit J** is a true and correct copy of Plaintiff's Notice of

4 Deposition of Defendant Google Inc. Pursuant to Fed. R. Civ. P. 30(b)(6), Topics 4-9, dated June

5 21, 2011.

6   12.   Attached hereto as **Exhibit K** is a true and correct copy of excerpts from the

7 deposition transcript of Patrick Brady taken on July 21, 2011 in this matter.

8   13.   Attached hereto as **Exhibit L** is a true and correct copy of excerpts from the

9 Expert Report of David I. August, Ph.D. Regarding the Non-Infringement of U.S. Patent No.

10 6,910,205 dated August 25, 2011.

11   14.   Attached hereto as **Exhibit M** is a true and correct copy of excerpted pages from

12 the deposition transcript of David I. August taken on September 16, 2011.

13   15.   Attached hereto as **Exhibit N** is a true and correct excerpt of Defendant Google

14 Inc.'s First Set of Requests for Admission to Plaintiff Oracle America, Inc. (Nos. 1 – 429).

15   16.   Attached hereto as **Exhibit O** is a true and correct excerpt of the deposition

16 transcript of Owen Astrachan, taken on September 9, 2011 in this matter.

17   17.   Attached hereto as **Exhibit P** is a true and correct copy of a document produced by

18 Google bearing bates number GOOGLE-12-100000011, the August 6, 2010 email from Tim

19 Lindholm. Google produced this document on August 27, 2011.

20   18.   Attached hereto as **Exhibit Q** is a true and correct copy of excerpts from the

21 deposition transcript of Tim Lindholm taken on September 7, 2011in this matter.

22   19.   Attached hereto as **Exhibit R** is a true and correct copy of excerpts from the

23 30(b)(6) deposition of Daniel Bornstein taken on July 22, 2011 in this matter.

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1   I declare under penalty of perjury under the laws of the United States that to the best of

2 my knowledge the foregoing is true and correct. Executed on September 24, 2011, in Palo Alto,

3 California.

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                                                  /s/ *Daniel P. Muino*

5   Daniel P. Muino

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MUINO DECL. ISO MOTION *IN LIMINE* NOS. 1 THROUGH 5
CASE NO. CV 10-03561 WHA
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